

## BYLAW 17

### ACCESS TO PUBLIC WAYS

#### I. Definitions (for the purpose of this Bylaw only)

Abutting property owner: a person or entity owning property bordering on a way.

Driveway: a driveway, private road, logging road, temporary access for construction, logging or testing, and other privately owned vehicular access to and egress from a way; excluding temporary access when no excavation is performed or fill added.

Public Way: a way laid out by a public agency, or dedicated to public use or laid out for public use or used and maintained as a public way.

Way: any public way which is not subject to G.L. Ch. 81, S. 21 (state curb cut permit).

#### II. Purposes

A. To provide maximum protection to the public through the orderly control of traffic moving onto and from a way;

B. To provide a uniform practice in the design and construction of entrances and exits;

C. To provide the necessary drainage.

### III. Permits

Any abutting property owner desiring to gain access to a way or desiring to alter, change or close an existing driveway shall do so only in accordance with the provisions of a permit issued by the Board of Selectmen.

#### A. Application

Before beginning construction, the abutting property owner or his duly authorized agent shall make written application, on forms available at the Town Hall, to the Highway Superintendent, including a plan showing:

1. Any driveway that is to be created, altered or closed;                      and
2. details on drainage.

The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features. The application shall also describe the effect on traffic. A fee of \$50.00 shall be paid to the Town of Egremont when the application is submitted to the Highway Superintendent.

#### B. Processing of applications by the Highway Superintendent

The Highway Superintendent shall examine the application in order to determine if it conforms to sound design requirements, including those listed in Section V below. He shall make a recommendation to the Board of Selectmen within ten (10) days after receipt of the written application, setting forth conditions that he deems reasonable.

#### C. Action by the Board of Selectmen

The Board of Selectmen shall issue or deny a permit within ten (10) days after receiving a recommendation from the Highway Superintendent. The permit may set forth conditions which the Selectmen deem reasonable. The denial shall give reasons; it may contain suggestions for a revised application.

### IV. Design requirements

A. The Highway Superintendent shall consider the requirements of the State DPW Manual on Uniform Traffic Control Devices, but shall modify these to accord with:

1. local conditions;
2. compatibility with local road design; and
3. size of the proposed project.

B. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. A leveling area shall be provided at the edge of the way sufficient for safe access on to the way. Unless conditions require it, a driveway should not be located at the extreme edge of a property.

C. No more than two driveways shall normally be allowed for any property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.

D. Driveways shall not normally be approved at intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.

E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15 inches. A larger diameter may be required.

F. The elevation of driveways at the point of entry into the public right of way should be no more than the elevation of the shoulder of the road.

G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.

H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

I. Individual driveways should not be less than eight (8) feet nor more than sixteen (16) feet in width within the Town right of way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.

J. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the sideline of the Town right of way with a pitch of at least one-quarter inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one inch (1") per foot, unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversion for driveways having a pitch of less than one inch (1") per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

K. Driveways should be located to the best advantage to alignment with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.

#### V. Exceptions

No permit shall be required for:

A. driveways already in existence, except for significant alterations; and

B. driveways reviewed by municipal boards under other existing regulations or bylaws.

#### VI. Continuing responsibility of owners

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this regulation. Driveways already in existence on the effective date of this regulation shall be maintained by the abutting property owners in their best pre-existing condition.

#### VII. Waiver

Strict compliance with the requirements of this regulation may be waived by the Board of Selectmen when in the judgment of the Board such action is in the public interest and not in opposition to the intent of the regulation.

#### VII. Violations

The penalty for violation of this Bylaw shall be a fine of \$300.00 for the first violation. Upon notification the owner shall have 60 days to correct said violation; if not corrected a \$100.00 per day fine will be imposed. The enforcing agent shall be the Zoning Enforcement officer.

Number# \_\_\_\_\_

**TOWN OF EGREMONT**  
**Application for Access to Public Way**  
**(To be submitted in Triplicate)**

Fee: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Name of Applicant:(Property Owner) \_\_\_\_\_

Mailing Address of Applicant: \_\_\_\_\_

Telephone Number of Applicant: \_\_\_\_\_

Location of proposed access: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address of  
Contractor \_\_\_\_\_

Proposed construction date: \_\_\_\_\_

Type of access(gravel,asphalt,etc.) \_\_\_\_\_

Attach an accurate drawing of proposed access

The applicant hereby agrees to notify the Egremont Highway Superintendent of the date and time of driveway construction at least forty-eight hours before construction is begun.

The applicant further agrees to conform to all requirements of the Town of Egremont regulations of access to public ways (as most recently revised) and to all conditions set forth in the permit.

Applicants Signature: \_\_\_\_\_  
\*\*\*\*\*

Recommendation of Highway Superintendent

I recommend that this application be ( ) APPROVED ( ) Subject to the conditions stated on reverse

( )DISAPPROVED for reasons given on the reverse

( )RESUBMITTED with changes suggested on reverse

Highway Superintendents Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWN OF EGREMONT  
APPLICATION FOR HOUSE NUMBER**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Phone number you can be reached at \_\_\_\_\_

Assessors Map and Parcel number: Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Road Name: \_\_\_\_\_

Directions/location of property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of nearest neighbor: \_\_\_\_\_

New Construction:    Yes        No

Full-time residency \_\_\_\_\_ Part-time residency \_\_\_\_\_

Previous owner if any \_\_\_\_\_

**File this form with the Town Hall Office Staff in the Selectmen's Office. Thank you.**

\*\*\*\*\*

Your number is: \_\_\_\_\_

Please post number in accordance with Bylaw 16: no lower than 42 inches above ground level, 3"-6" reflective numbers, at the main entrance to the property on the roadway. You may wish to order a sign from our Fire Department - see office staff at the Town Hall. Please get form Town Hall Office Staff a new resident package.

Assigned by: \_\_\_\_\_

Date: \_\_\_\_\_

**Number must be posted before any construction begins. A \$10.00 per day fine may be assessed for failure to post sign.**

new911no.frm